

**Minutes**  
**Florida Board of Acupuncture**  
**General Business Meeting**  
**The Embassy Suites**  
**3974 NW South River Drive**  
**Miami, Florida 33142**  
**June 10, 2005 @ 9:00**  
**(305) 634-5000**

Call to Order/Roll Call

Zong Lan Xu, AP, Chair, called the meeting to order at 9:08 a.m.

**Members Present:**

Zong Lan Xu, AP, Chair  
Paulette Karr, AP, Vice Chair  
Frank Ervolino, AP  
Gregory Gunter  
Gloria Rosello (present 9:15 a.m.)  
Katherine Teisinger, AP  
Qun Wang, AP

**Board and Department Staff:**

Gary Asbell, Board Counsel  
Pamela King, Board Director  
Ronda L. Bryan, Program Administrator

**Prosecuting Attorneys**

Ephraim Livingston  
April Skilling

**Court Reporter:**

Official Court Reporter

**Review of Minutes**

**Tab 1 – March 11, 2005, General Business Meeting**

**Action Taken:** After discussion, Mr. Ervolino moved to approve the minutes as submitted. The motion was seconded by Ms. Karr and passed unanimously.

**Discipline**

**Tab 2 – W. Joseph Peterson – Default**

**Case Number: 2002-20484**

Mr. Peterson was not present or represented by counsel.

Ms. Skilling represented the Department. Mr. Wang and Mr. Gunter were recused due to participation on the Probable Cause Panel.

The complaint against Mr. Peterson was presented to the Board for allegations of violating Sections 457.109(1)(m) & (x), 2001 Florida Statutes (F.S.); Rule 64B1-10.001, Florida Administrative Code (F.A.C.).

**Action Taken:** After discussion, a motion was made by Ms. Karr to adopt the Findings of Default based on not choosing an Election of Rights. The motion was seconded by Ms. Teisinger and pass unanimously.

**Action Taken:** After further discussion, a motion was made by Ms. Rosello to adopt the Findings of Fact. The motion was seconded by Ms. Xu and passed unanimously.

**Action Taken:** After further discussion, a motion was made by Mr. Ervolino to adopt the Conclusions of Law. The motion was seconded by Ms. Rosello and passed with Ms. Karr opposing.

**Action Taken:** After further discussion a motion was made by Ms. Teisinger to impose the following penalty:

- Letter of Concern
- 6 Months Probation with earlier termination upon completing requirements
- \$200.00 Fine within 6 months of final order
- \$1,303.36 Cost without attorney fees within 6 months of final order
- Affidavit of reading Chapters 456 & 457 F.S. and 64B1 F.A.C. within 30 days of final order

The motion was seconded by Ms. Karr and passed with Ms. Rosello opposing.

**Action Taken:** After further discussion, a motion was made by Ms. Teisinger to include \$1,303.36 for cost. The motion was seconded by Ms. Karr and passed unanimously.

**Action Taken:** After further discussion, a motion was made by Ms. Karr to include the cost with probation terms. The motion was seconded by Ms. Teisinger and passed unanimously.

**Tab 3– Walter E. Hayley – Consent Agreement**

**Case Number 2003-25560**

Mr. Hayley was present without counsel.

Ms. Skilling represented the Department. Mr. Wang and Mr. Gunter were recused due to participation on the Probable Cause Panel.

The complaint against Mr. Hayley was presented to the Board for allegations of violating Sections 457.109(1)(p), F.S.

**Action Taken:** After discussion, a motion was made by Mr. Ervolino to accept the following Consent Agreement:

- Letter of Concern
- \$1,500.00 Fine within 30 days of final order
- \$2,702.71 Cost within 30 days of final order
- Affidavit of reading Chapters 456 & 457, F.S. and 64B1 F. A. C. within 30 days of final order

The motion was seconded by Ms. Teisinger and passed unanimously.

#### **Tab 4 – Bonnie Lou Stiles – Voluntary Relinquishment**

Ms. Stiles was not present or represented by counsel.

Ms. Skilling presented a Voluntary Relinquishment signed by respondent.

**Action Taken:** After discussion, a motion was made by Ms. Karr to accept the Voluntary Relinquishment. The motion was seconded by Mr. Gunter and passed unanimously.

#### **Prosecutors Report**

Ephraim Livingston introduced April Skilling as the new prosecuting attorney for the Board of Acupuncture. Ms. Skilling provided a report on the status of pending cases.

#### **Licensure**

##### **Tab 5 – Muhamud Abdur-Rahim**

Mr. Abdur-Rahim was present without counsel.

Mr. Abdur-Rahim was originally issued licensure number AP-615 on January 25, 1995. He failed to renew his license in 2002 and 2004; therefore his license went Null and Void. Mr. Abdur-Rahim's acupuncture transcript is short 120 hours of supervised instruction in traditional oriental acupuncture.

Mr. Abdur-Rahim waived the 90-day requirement under Chapter 120.60, F. S.

**Action Taken:** After discussion, a motion was made by Mr. Ervolino to table the application until the next regular board meeting. The motion was seconded by Ms. Rosello and passed unanimously.

Break 10:58 a.m. to 11:15 a.m.

##### **Tab 6 – GERALYNN A. FELICETTA**

Ms. Felicetta was not present or represented by counsel.

Ms. Felicetta failed to submit a copy of her acupuncture school transcript and proof of passing the national examination. Ms. Felicetta's application expired on March 19, 2005.

**Action Taken:** After discussion, a motion was made by Mr. Ervolino to deny Ms. Felicetta's application for licensure. The motion was seconded by Mr. Wang and passed unanimously.

##### **Tab 7 - Janet Zand**

Ms. Zand was present and represented by Stephen Maher, Esquire with Shutz & Bowen.

Ms. Zand's acupuncture transcript is short 8 hours of supervised instruction in traditional Oriental medicine and 66 hours of supervised clinical instructions for a total of 74 hours.

Additionally, Ms. Zand did not provide documentation of successful passing a national examination.

**Action Taken:** After discussion, a motion was made by Mr. Ervolino to table Ms. Zand's application until after lunch. The motion was seconded by Ms. Teisinger and passed unanimously.

Lunch 12:10 p.m. – 1:10 p.m.

After testimony, Ms. Zand waived the 90-day requirement under Chapter 120.60, F.S.

**Action Taken:** After discuss, a motion was made by Mr. Gunter to table Ms. Zand's application until the next regular board meeting. The motion was seconded by Ms. Rosello and passed unanimously.

### **Continuing Education**

#### **Tab 8 – Nutrition: Wellness Guidelines, CEU Online**

Applicant was not present or represented by counsel.

The continuing education liaison recommended that the application be presented before the board for consideration.

**Action Taken:** After discussion, a motion was made by Ms. Karr to deny application based on Rule 64B1-6.005(1), F.A.C. The motion was seconded by Ms. Teisinger and passed unanimously.

#### **Tab 9 – Management Part 1: Motivating and Leading People and Groups**

Applicant was not present or represented by counsel.

The continuing education liaison recommended that the application be presented before the board for consideration.

**Action Taken:** After discussion, a motion was made by Mr. Wang to deny application based on Rule 64B1-6.005(1) & (4), F.A.C. The motion was seconded by Ms. Karr and passed unanimously.

#### **Tab 10 – Bioaquatic Exploration (Advanced Therapy) Upledger**

Applicant was not present or represented by counsel.

The continuing education liaison recommended that the application be presented before the board for consideration.

**Action Taken:** After discussion, a motion was made by Mr. Gunter to deny application based on Rule 64B1-6.005(1), F.A.C. The motion was seconded by Mr. Wang and passed unanimously.

**Tab 11 – Bioaquatic Exploration: Ocean Therapy, Upledger**

Applicant was not present or represented by counsel.

The continuing education liaison recommended that the application be presented before the board for consideration.

**Action Taken:** After discussion, a motion was made by Mr. Wang to deny application based on Rule 64B1-6.005(1), F.A.C. The motion was seconded by Ms. Karr and passed unanimously

**Tab 11a – Florida Board of Chiropractic Association Summer Convention**

Applicant was not present or represented by counsel.

The continuing education liaison recommended that the application be presented before the board for consideration.

**Action Taken:** After discussion, a motion was made by Ms. Teisinger to deny application based on Rule 64B1-6.005(1), F.A.C. The motion was seconded by Mr. Wang and passed unanimously

**Tab 11b - Florida Board of Chiropractic Association Spring Convention**

Applicant was not present or represented by counsel.

The continuing education liaison recommended that the application be presented before the board for consideration.

**Action Taken:** After discussion, a motion was made by Mr. Gunter to deny application based on Rule 64B1-6.005(1), F.A.C. The motion was seconded by Mr. Ervolino and pass unanimously

**Tab 11c – Prolotherapy – An Alternative & Complimentary Treatment for Acute & Chronic Pain**

Applicant was not present or represented by counsel.

The continuing education liaison recommended that the application be presented before the board for consideration.

**Action Taken:** After discussion, a motion was made by Mr. Gunter to deny application based on the subject being outside of the scope of practice. The motion was seconded by Mr. Wang and passed unanimously

**Tab 11d – Equine Craniosacral Techniques**

Applicant was not present or represented by counsel

The continuing education liaison recommended that the application be presented before the board for consideration.

**Action Taken:** After discussion, a motion was made by Ms. Karr to deny application based on the subject being outside of the scope of practice. The motion was seconded by Mr. Wang and passed unanimously

### **Correspondence**

**Tab 12 NCCAOM – New Recertification Requirements**  
Informational Only

### **Legislative Discussion/Update**

**Tab 13 – Legislative Update – Pamela King**

Ms. King provided a brief overview of the different bills that may be of interest to the Board that did pass as follows:

Senate Bill 366 – Grounds for Discipline  
Senate Bill 410 – Department of Health Administration  
Senate Bill 1010 – Administrative Procedures

Also, Ms. King noted the bills that did not pass as follows:

Senate Bill 586 – Board of Acupuncture  
Senate Bill 695 – Naturopathy

Ms. King asked the Board if they would like to move forward with the 2005 proposed legislative language as the 2006 proposed legislative language.

**Action Taken:** After discuss, a motion was made by Mr. Ervolino to move forward with the 2006 proposed legislative language. The motion was seconded by Ms. Rosello and passed unanimously.

### **General Business**

**Federation of Acupuncture and Oriental Medicine Regulatory Agencies – Frank Ervolino**

Mr. Ervolino provided an update on his attendance at the Federation of Acupuncture and Oriental Medicine Regulatory Agencies biannual meeting held May of 2005. Mr. Ervolino noted that several organizations conducted a presentation before the member of FAOMRA that were educational.

**Presentation to Board of Chiropractic Medicine – Katherine Teisinger**

Ms. Teisinger indicated that after her presentation, the Board of Chiropractic Medicine noted that the concerns addressed were valid points. They suggested referring the concerns regarding advertising and use of the term acupuncture to their laws and rules committee for consideration.

## **Reports**

### **A. Board Chair Report – Zong Lan Xu**

No Report

### **B. Board Counsel Report – Gary Asbell**

#### **Tab 14 – Rules Report**

#### **64B1-6.011 – Performance of Pro Bono Services**

Rule withdrawn.

#### **64B1-9.004 – Probable Cause Panel**

Rule noticed for development.

#### **64B1-3.001 – Definitions**

#### **64B1-9.005 - Definitions**

Gary will respond to JAPC letter concerning Rules 64B1-3.001 and 64B1-9.005 F.A.C.

#### **64B1-2 – Fees**

#### **64B1-9.001 Disciplinary Guidelines**

**Action Taken:** After discussion, a motion was made by Mr. Ervolino to notice rule development on Rules 64B1-2 and 64B1-9.001, F.A.C. due to implementation of 2005 legislation. The motion was seconded by Mr. Gunter and passed unanimously.

### **C. Board Director Report – Pamela King**

#### **Tab 15 – Pending Issues**

Ms. King provided an update and status of the pending list.

Ms. King noted that the Board transferred funds from the unlicensed activity account last year to general funds and could transfer up to \$35,000.00 dollars back into their unlicensed activity account.

**Action Taken:** After discussion, a motion was made by Mr. Ervolino to move \$35,000.00 dollars to the unlicensed activity account. The motion was seconded by Ms. Teisinger and passed unanimously.

Ms. King also noted that the Florida State Oriental Medical Association is interested in partnering together to educate licensees in Florida and conduct a presentation at their fall meeting.

Mr. Ervolino noted that he contacted a few vendors to verify if they were experiencing problems getting herbs. The ones he contacted indicated that the smaller companies are facing challenges at the ports but herbs are still coming into the United States.

### **D. Board Liaison**

#### **a. Legislative & Rules – Zong Xu**

No Report

**b. Continuing Education – Paulette Karr & Frank Ervolino**  
No Report

**c. Examination & Endorsement – Zong Xu & Paulette Karr**  
No Report

**d. Unlicensed Activity – Frank Ervolino**  
No Report

**e. Budget**  
**Tab 16 – Budget**  
Informational Only

**f. Consumer Protection – Gloria Rosello**  
No Report

**Old Business**

**New Business**

**Next Meeting**

September 9, 2005 – Tampa, Florida

**Adjournment**

**Action Taken:** A motion was made by Mr. Ervolino to adjourn the meeting at 3:20 p.m. The motion was seconded by Ms. Rosello and passed unanimously.